

Muriel B. Kaplan, Esq. (SBN 124607)  
Michele R. Stafford, Esq. (SBN 172509)  
SALTZMAN & JOHNSON LAW CORPORATION  
44 Montgomery Street, Suite 2110  
San Francisco, CA 94104  
(415) 882-7900  
(415) 882-9287 – Facsimile  
[mkaplan@sjlawcorp.com](mailto:mkaplan@sjlawcorp.com)  
[mstafford@sjlawcorp.com](mailto:mstafford@sjlawcorp.com)

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BOARDS OF TRUSTEES OF THE SHEET  
METAL WORKERS, et al.,

Plaintiffs,

v.

BOTNER MANUFACTURING, etc.,

Defendant.

Case No.: C13-0144 EDL

**PLAINTIFFS' REQUEST TO CONTINUE  
CASE MANAGEMENT CONFERENCE;  
ORDER THEREON**

Date: November 19, 2013  
Time: 10:00 a.m.  
Location: 450 Golden Gate Ave.  
San Francisco  
Courtroom: E, 15<sup>th</sup> Floor  
Judge: Magistrate Judge Elizabeth D.  
Laporte

Plaintiffs respectfully request that the Case Management Conference, currently scheduled for October 22, 2013, be continued for approximately ninety to one hundred and twenty (90-120) days. Good cause exists for the granting of the continuance, as follows:

1. As the Court's records will reflect, this action was filed on January 10, 2013. Defendant was served with the Summons and Complaint on January 29, 2013. No responsive pleading was filed, and the Defendant's default was entered by the Court on March 8, 2013 (Dkt. Nos. 7-10).

2. Plaintiffs first requested a continuance of the Case Management Conference on March 26, 2013 (Dkt. Nos. 12-14) to allow time for the parties to continue to engage in settlement discussions. On March 27, 2013, the Court granted Plaintiffs' request and issued an order continuing the Case Management Conference to July 9, 2013 (Dkt. No. 15). On June 18, 2013, the Court issued an order rescheduling the Case Management Conference to July 16, 2013 (Dkt. No.

1 20).

2 3. Defendant submitted payment of the entire principal amount due to Plaintiffs. On  
3 July 9, 2013, Plaintiffs requested another continuance of the Case Management Conference (Dkt.  
4 No. 22) to allow time for Plaintiffs to bill Defendant for remaining interest, liquidated damages,  
5 attorneys' fees, and costs incurred in this action. On July 10, 2013, the Court granted Plaintiffs'  
6 request and issued an order continuing the Case Management Conference to September 17, 2013  
7 (Dkt. No. 23).

8 4. Plaintiffs billed Defendant for remaining amounts due. Thereafter, Defendant  
9 submitted a written letter to the Board of Trustees requesting a waiver of liquidated damages owed.  
10 Plaintiffs agreed to hear and decide Defendant's waiver request on September 17, 2013, the date of  
11 the next meeting of the Board of Trustees, provided that Defendant submitted payment of  
12 remaining interest before the meeting. On September 10, 2013, Plaintiffs requested another  
13 continuance of the Case Management Conference to allow time for Defendant to submit that  
14 payment (Dkt. No. 26) and for the Board of Trustees to make a determination regarding  
15 Defendant's request for waiver of liquidated damages. On September 12, 2013, the Court granted  
16 Plaintiffs' request and issued an order continuing the Case Management Conference to October 22,  
17 2013 (Dkt. No. 27).

18 5. Defendant submitted payment of the remaining interest incurred in this action.  
19 However, the Board of Trustees declined Defendant's request for a waiver of liquidated damages  
20 assessed on Defendant's principal debt. On October 15, 2013, Plaintiffs requested another  
21 continuance of the Case Management Conference to allow time for Defendant to decide on their  
22 preferred method of paying the liquidated damages owed to Plaintiffs. (Dkt. No. 29). On October  
23 16, 2013, the Court granted Plaintiffs' request and issued an order continuing the Case Management  
24 Conference to November 19, 2013 (Dkt. No. 30).

25 6. Plaintiffs offered Defendant a monthly installment payment plan to pay the  
26 liquidated damages, and Defendant has begun to submit monthly payments. Once the liquidated  
27 damages are paid in full, Plaintiffs anticipate seeking dismissal of this action. Accordingly,  
28 Plaintiffs respectfully request that the Case Management Conference, currently scheduled for

1 November 19, 2013, be continued for approximately ninety to one hundred and twenty (90-120)  
2 days to allow time for Defendant to continue submitting monthly installment payments for the  
3 liquidated damages owed to Plaintiffs.

4 7. There are no issues that need to be addressed by the parties at the currently  
5 scheduled Case Management Conference. In the interest of conserving costs as well as the Court's  
6 time and resources, Plaintiffs respectfully request that the Court continue the currently scheduled  
7 Case Management Conference.

8 8. Plaintiffs recognize that a case management conference statement is due seven days  
9 in advance of the case management conference date and that the statement must include all  
10 elements requested in the "Standing Order for All Judges of the Northern District of California –  
11 Contents of Joint Case Management Statement" pursuant to Local Rule 16-9. Should this Court  
12 require Plaintiffs to file a Case Management Conference Statement, Plaintiffs will do so promptly.

13 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above  
14 entitled action, and that the foregoing is true of my own knowledge.

15 Executed this 12th day of November, 2013, at San Francisco, California.

16 SALTZMAN & JOHNSON  
17 LAW CORPORATION

18 By: /S/  
19 Michele R. Stafford, Esq.  
Attorneys for Plaintiffs

20 IT IS SO ORDERED.

21 The currently set Case Management Conference is hereby continued to February 18, 2014,  
22 at 10:00 am, and all previously set deadlines and dates related to this case are continued  
23 accordingly.

24  
25 Date: 11/13/13

26   
27 MAGISTRATE JUDGE ELIZABETH D. LAPORTE  
28

PROOF OF SERVICE

I, the undersigned, declare:

1. I am a citizen of the United States and am employed in the County of San Francisco, State of California. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

2. I am over the age of eighteen and not a party to this action.

3. On **November 12, 2013**, I served the following document(s):

**PLAINTIFFS' REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE;  
[PROPOSED] ORDER THEREON**

on the interested parties in said action by enclosing a true and exact copy of each document in a sealed envelope and placing the envelope for collection and First Class mailing following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

4. The envelopes were addressed and mailed as follows:

Botner Manufacturing  
Shelly Christine Botner  
900 Aladdin Avenue  
San Leandro, CA 94577

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **November 12, 2013**, at San Francisco, California.

/S/

Alicia Rutkowski  
Paralegal